THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.17426 of 1997

DATED: 28-2-2007

Between:

Kavaku Nookalu @ Nookaraju

… Petitioner.

And

The Ware House Manager,
Central Ware House Corporation,
Vishakapatnam.

And others.

… Respondents.

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WRIT PETITION No.17426 of 1997

ORDER:

In this writ petition the petitioner sought for a writ of mandamus to declare the inaction of the respondents in regularizing the services of the petitioner or absorbing him permanently in the post of Scavenger or in any other suitable post as arbitrary, unjust and in violation of Article 21 of the Constitution of India.

In the affidavit filed in support of the writ petition the petitioner claimed that she has been working as scavenger on casual basis since 1987 in terms of sanction order dated 7/10.11.1987 issued by respondent No.2 on a monthly payment of Rs.90/-. The petitioner claims that since then she has been working on a meager amount of Rs.90/-. The petitioner's personal request made to respondent No.1 to absorb her in the vacancy on regular basis did not yield any positive result. The petitioner therefore, made a written representation on 12.5.1997 seeking regularization of her services. This was followed by a legal notice dated 19.5.1997 issued by the petitioner which was received by the second respondent and he gave a reply dated 20.6.1997 wherein the second respondent denied the petitioner working from 1987. On the aforementioned averments, the petitioner sought for a direction to respondents to regularize her services as

Scavenger.

A counter affidavit is filed by Sri A.K.Jena, Regional Manager, Central Warehousing Corporation, Hyderabad in which he denied the averments of the petitioner that she was working since 1987. It is also mentioned in the counter affidavit that there is no sanctioned post of Scavenger in the office of the first respondent. It is further mentioned that the petitioner has been engaged as Scavenger on contingent basis and consolidated amount was paid and that too intermittently but not regularly. Prior to the said period the petitioner was engaged for same post in the year 1989, 1991 and 1992. It is further stated that the services of Scavenger are utilized only as part time basis but not on full time basis. It is also stated that the time taken by the Scavenger to clean the toilets is for 15 to 30 minutes and there is no particular time fixed for such work and that the petitioner was working as scavenger at other places also and that the petitioner has no legal right to claim absorption of service in the first respondent office on regular basis.

Sri Satyanarayana, learned counsel for the petitioner vehemently argued that after continuing the petitioner for more than 9 years on contingent basis the respondents are wholly unjustified in not regularizing her services.

The petitioner failed to show that she has got any substantial legal right to seek regularization/absorption in the respondent organization. A constitutional bench of the Apex Court in **Secretary, State of Karnataka vs Uma Devi**[1] held that temporary, contingent or casual employees have no legal right to seek absorption or regularization contrary to the statutory provisions. This was reiterated in **State of U.P. vs Deshraj**[2]**.**

Following the aforementioned ratio of the Apex Court, I see no

reason to grant any relief to the petitioner. The writ petition is accordingly dismissed.

C.V.NAGARJUNA REDDY,J

Date:28.02.2007
mdaa

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[1] (2006) 4 SCC 1
[2] (2007) 1 SCC 257